

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARLOW TODD EGGUM,

Petitioner,

Case No. C14-1328-RAJ-MAT

V.

JEFFREY UTTECHT,

## Respondent.

ORDER REFERRING CASE TO  
FEDERAL PUBLIC DEFENDER FOR  
REVIEW

This is a 28 U.S.C. § 2254 federal habeas action. Petitioner has filed a motion to appoint

counsel. (Dkt. 82.) There is no constitutional right to appointment of counsel in actions brought under § 2254; however, the Court may exercise its discretion to appoint counsel for a financially eligible individual where the “interests of justice so require.” 18 U.S.C. § 3006A; *see also Weygardt v. Look*, 718 F.2d 952 (9th Cir. 1983). It appears from the record that appointment of counsel may be warranted in the instant action. The Court thus ORDERS:

(1) This matter is referred to the Office of the Federal Public Defender for review.

(2) Within **twenty-one (21) days** of the date this Order is signed, the Office of the  
Public Defender shall advise the Court whether it intends to seek appointment in this  
case. If the Office of the Federal Public Defender determines that it will seek appointment in

## ORDER - 1

1 this matter, it shall assist petitioner in preparing a revised motion for appointment of counsel, as  
2 well as a financial affidavit that will allow the Court to determine whether petitioner is  
3 financially eligible for such an appointment.

4 (3) The Clerk is directed to send copies of this Order to the parties, to the Office of  
5 the Federal Public Defender, and to the Honorable Richard A. Jones.

6 DATED this 7th day of February, 2017.

7   
8 Mary Alice Theiler  
9 United States Magistrate Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

ORDER - 2